

Message Text

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ACTION IO-14

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NSAE-00 PA-01 PRS-01 SP-02 INRE-00 /060 W
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TO SECSTATE WASHDC IMMEDIATE 4827
INFO AMEMBASSY SANTIAGO IMMEDIATE
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C O N F I D E N T I A L SECTION 01 OF 02 GENEVA 00664

E.O. 11652: N/A
TAGS: SHUM
SUBJECT: AD HOC WORKING GROUP ON CHILE - MEETING
WITH CHAIRMAN ALLANA

REF: GENEVA 00587

1. AT HIS REQUEST MISOFF MET WITH AD HOC WORKING GROUP
CHAIRMAN ALLANA MORNING OF JANUARY 17.
2. ALLANA EXPRESSED CONCERN THAT NEW DEVELOPMENTS REGARD-
ING CHILE WOULD NOT BE AVAILABLE TO GOVERNMENTS PRIOR
TO THE 34TH SESSION OF THE HUMAN RIGHTS COMMISSION AND
THUS IF ACTION WAS REQUIRED ON THESE NEW SITUATIONS
DECISIONS WOULD BE DELAYED BECAUSE DELEGATIONS WOULD HAVE
TO SEEK INSTRUCTIONS FROM THEIR CAPITOLS.
3. ALLANA PRESENTED MISOFF WITH A COPY OF THE LETTER
SENT BY CHILEAN DEPUTY MFA ENRIQUE VALDES PUGA TO UNSYG
WALDHEIM (TEXT OF LETTER, DATED JANUARY 5, FOLLOWS AT
END OF THIS MESSAGE). IN HIS LETTER VALDES ATTACKS THE
PROCEDURES USED BY THE WG AS, AMONG OTHER THINGS, BEING
ABRITRARY.

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4. ALLANA VIGOROUSLY DEFENDED THE PROCEDURES OF THE WG
OVER THE PAST THREE YEARS STATING THAT THE GROUP HAD
FOLLOWED THE INSTRUCTIONS OF THE HRC.
5. ONE INTERPRETATION OF THE VALDES LETTER (REFTEL) IS
THAT THE GOC WILL INSIST, DURING THE HRC SESSION, THAT

ANY FURTHER PROCEEDINGS ON CHILE BE HELD UNDER RES 1503.

6. ALLANA'S ELLIPTICAL STATEMENTS ABOUT SITUATION LEFT MISOFF WITH IMPRESSION THAT WG EXPECTS CHILE OBSERVER TO ATTACK HUMANNITARIAN AID REPORT ON CHILE AS WELL AS WG ACTIVITIES. TO COUNTER THIS ATTACK THE WG IS CONTACTING MEMBERS OF THE HRC TO GATHER SUPPORT WELL IN ADVANCE OF THE HRC SESSION. TEXT OF LETTER FOLLOWS:

A. AS YOU ARE UNDOUBTEDLY AWARE, CHILE HAS REAFFIRMED, THROUGH THE FREE, VOLUNTARY AND CATEGORICAL EXPRESSION OF THE WILL OF ITS PEOPLE, ITS MOST EMPHATIC REJECTION, ON THE ONE HAND, OF THE PROCEDURE ADOPTED BY THE UNITED NATIONS - THROUGH ITS COMMISSION ON HUMAN RIGHTS - FOR THE PURPOSE OF FORMULATING AN INFAMOUS, UNFAIR AND DISCRIMINATORY CONDEMNATION OF CHILE, AND, ON THE OTHER, OF THE DISCUSSION IN ITS ACTUAL SUBSTANCE.

B. FIRST, IT IS NECESSARY TO RECALL TODAY THAT THE GOVERNMENT OF CHILE HAS NEVER REFUSED TO CO-OPERATE FULLY AND EFFECTIVELY WITH THE UNITED NATIONS ON MATTERS RELATING TO THE PROMOTION AND FULL PROTECTION OF HUMAN RIGHTS.

C. CONSISTENT WITH THIS CLEAR POSITION, AND DESPITE THE FACT THAT OUR REQUEST THAT ALL THE STATES WHICH WERE ACCUS-
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ING US SHOULD BE INVESTIGATED IN THE SAME MANNER WAS NOT MET, WE ACCEPTED IN 1975 THE ESTABLISHMENT OF A WORKING GROUP, RESPONSIBLE TO THE COMMISSION ON HUMAN RIGHTS, TO INQUIRE INTO THE "PRESENT SITUATION" OF FUNDAMENTAL HUMAN RIGHTS IN CHILE.

D. THAT ACCEPTANCE WAS, OF COURSE, SUBJECT TO THE UNDERSTANDING THAT, AS CHILE HAS REPEATEDLY STATED, THE PROCEDURE TO BE FOLLOWED SHOULD BE DETERMINED BY AGREEMENT BETWEEN THE PARTIES, IN ACCORDANCE WITH THE STANDARDS FORMULATED WITH RESPECT TO THE MATTER BY THE COMMISSION ON HUMAN RIGHTS WHICH APPOINTED THE GROUP.

E. AT THE SAME TIME, A VERY IMPORTANT PRECEDENT EXISTED WITH RESPECT TO THIS MATTER, NAMELY THE PROCEDURE LAID DOWN IN RESOLUTION 1503 (XLVIII) OF THE ECONOMIC AND SOCIAL COUNCIL, WHICH ESTABLISHES THE BASIC RULES GOVERNING CONSIDERATION OF COMMUNICATIONS RELATING TO VIOLATIONS OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS.

F. ACTUALLY, HOWEVER, NOT ONLY IS THE WORKING GROUP AD HOC BUT THE PROCEDURE IT APPLIES IS ALSO SPECIAL AND

EXCEPTIONAL, HAVING BEEN WORKED OUT BY THE GROUP ITSELF WITHOUT THE AGREEMENT OF THE GOVERNMENT OF CHILE AND BEING ABSOLUTELY AND TOTALLY ARBITRARY IN CHARACTER. G. THIS HAS ENABLED THE AD HOC WORKING GROUP TO INTERFERE, WITHOUT ANY GROUNDS, RIGHT OR AGREEMENT, IN EVERY ASPECT OF OUR COUNTRY'S ACTIVITY, WHETHER RELATED TO HUMAN RIGHTS OR NOT. IT HAS ALSO ENABLED THE GROUP REPEATEDLY TO VIOLATE ITS MANDATE BY FAILING TO RESTRICT ITS REPORTS TO THE TASK ASSIGNED TO IT, EXCEEDING ITS COMPETENCE AND THEREBY VIOLATING THE MINIMUM RULES

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C O N F I D E N T I A L SECTION 02 OF 02 GENEVA 00664

OF PEACEFUL COEXISTENCE AMONG NATIONS.

H. BY SUCH NEGATIVE BEHAVIOUR - THE INEVITABLE CONSEQUENCE OF THE TOTAL ABSENCE OF DUE PROCESS - THE UNITED NATIONS HAS BEEN ENABLED, IN DEALING WITH A SITUATION AFFECTING ONE OF ITS MEMBER STATES, TO VIOLATE, IN ABSOLUTE TERMS, THE PRINCIPLES OF UNIVERSALITY, SELF-DETERMINATION, EQUALITY OF ALL STATES BEFORE THE LAW AND NON-INTERVENTION IN THEIR INTERNAL AFFAIRS.

I. EVER SINCE THIS SITUATION AROSE, THE GOVERNMENT OF CHILE HAS BEEN MAKING EVERY EFFORT TO REMEDY IT, MAINTAINING PERMANENT CONTACT WITH THE WORKING GROUP.

J. NEVERTHELESS, ALL OUR INITIATIVES AIMED AT OBTAINING AN ESSENTIAL MINIMUM OF PROCEDURAL GUARANTEES HAVE BEEN REJECTED.

K. IT IS A MATTER OF RECORD THAT, DESPITE THE EXTREMELY

SERIOUS FACTS MENTIONED ABOVE, CHILE PROPOSED A VISIT BY TWO MEMBERS OF THE GROUP, WHO WOULD BE DESIGNATED BY MUTUAL AGREEMENT AND IN RESPECT OF WHOSE ACTIVITIES MINIMUM RULES, LIKEWISE MUTUALLY AGREED UPON, WOULD BE CONFIDENTIAL

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LAI D DOWN. THAT IN TURN WAS REJECTED.

L. IN THESE CIRCUMSTANCES WE CAN ONLY CONCLUDE, AFTER THREE YEARS OF NEGOTIATIONS AND IN VIEW OF THE RESULTS ACHIEVED, THAT IT IS ABSOLUTELY USELESS TO PROLONG THE SITUATION AS BROUGHT ABOUT BY THE WORKING GROUP, SINCE THAT WILL ONLY HELP TO MAKE THE DEFECTS IN QUESTION EVEN MORE SERIOUS AND ENCOURAGE THE GROUP TO SEEK ONCE MORE TO JUSTIFY MAKING FALSE STATEMENTS AND EXCEEDING ITS COMPETENCE.

M. THIS IS WHAT THE PEOPLE OF CHILE REJECT AND REPUDIATE IN EXPRESSING THEIR VIEW AS CITIZENS IN A NATIONAL REFERENDUM, THE RESULTS OF WHICH REFLECT THE FACT THAT THE OVERWHELMING MAJORITY OF CITIZENS OF OUR COUNTRY ARE NOT PREPARED TO CONTINUE ACCEPTING HARASSMENT, ARBITRARINESS OR AN OPENLY DISCRIMINATORY INTERNATIONAL LIE AND THAT THEY FIRMLY SUPPORT THEIR GOVERNMENT, REAFFIRM ITS TOTAL LEGITIMACY AND RECOGNIZE ITS ABSOLUTE COMPETENCE IN THE CONDUCT OF BOTH INTERNAL AFFAIRS AND THE COUNTRY'S INTERNATIONAL RELATIONS.

N. CONSEQUENTLY, I WISH TO INFORM YOU THAT THE GOVERNMENT OF CHILE WILL HENCEFORTH INSIST THAT THE COMMISSION ON HUMAN RIGHTS OF THE UNITED NATIONS ADOPT AN ATTITUDE IN STRICT ACCORDANCE WITH LAW AND WITH THE RESPECT WHICH IS ITS DUE AND WHICH OUR NATION VIGOROUSLY DEMANDS AS A SOVEREIGN AND FREE COUNTRY.

O. ACCEPT, SIR, ETC...(SIGNED) ENRIQUE VALDES PUGA,
DEPUTY MINISTER FOR FOREIGN AFFAIRS. END TEXT.
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